

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTIE CARD,

Plaintiff,

v.

JP MORGAN MORTGAGE ACQUISITION
CORPORATION,

Defendant.

Case Number 08-11598

Honorable David M. Lawson

Mag. Judge Michael J. Hluchaniuk

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

Presently before the Court is the report issued on July 23, 2008 by Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss without prejudice the plaintiff's complaint for want of prosecution. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 13] is **ADOPTED**.

It is further **ORDERED** that the complaint is **DISMISSED** without prejudice for failure to

prosecute.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 15, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 15, 2008.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI